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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,702	07/09/2003	Wayne E. Mock	BCS03188ACQ	9739

7590 03/17/2010  
Caroline Coker  
Motorola, Inc. - Law Department  
101 Tournament Drive  
Horsham, PA 19044

EXAMINER
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TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

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03/17/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,702	<b>Applicant(s)</b> MOCK, WAYNE E.	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, and 14-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shing (US 2005/0076304) in view of Kelts (US 7,139,983), and further in view of Arazi et al. (US 5,966,120).

**Regarding claim 1**, Shing teaches a method for converting DVD content into a project suitable to be delivered via a network, said method comprising the steps of:

extracting content of a DVD into information files (paragraphs 29, 32 and 35 teaches of a function of extracting menu information files when a client desires to view the menu information by way of "Menu\_Call" instruction) and video object files (paragraphs 29 and 41-42 teaches of extracting presentation information to be sent to a client device);

Shing teaches the ability to bundle the files to create a project with the ability of the DVD Navigator to extract and then facilitate the server to present the desired video data or the menu data to the client (paragraphs 29, 41-42). However, Shing is silent as

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to translating said extracted information files into XML format and to transcoding said extracted video object files from variable bit rate format to constant bit rate format;

In an analogous art, Kelts teaches in col. 26, lines 52+ teaches wherein menu data (navigation interface data) is converted into XML format.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to convert menu data into an XML format as taught by Kelts into the system of Shing to allow the system to be used over the internet.

However, the proposed combination of Shing and Kelts fails to teach transcoding said extracted video object files from variable bit rate format to constant bit rate format;

In an analogous art, Arazi et al. teaches the claimed in col. 3, line 65 – col. 4, line 6 wherein video data can be converted from a variable bit rate format into video data that has a constant bit rate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to convert the video into a CBR format as taught by Arazi into the proposed combination of Shing and Kelts so that transmission/link stability/efficiency can be increased by utilizing all of the bandwidth capacity.

The introduction of the teachings of Kelts and Arazi therefore generates the translated and transcoded files that are used by the existing system of Shing as discussed above.

**Regarding claim 2**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above; furthermore, Shing teaches the claimed further comprising the step of: decrypting data stored on the DVD (para. 41).

**Regarding claim 3**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above; furthermore, Shing teaches the claimed further comprising the step of: associating the project with a target user interface (paragraphs 31-32).

**Regarding claim 4**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above; furthermore, Shing teaches the claimed further comprising the step of: importing the project to associate the project with existing menu frames (the Menu\_call as discussed in claim 1 above).

**Regarding claims 5 and 6**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above, furthermore, Kelts teaches the claimed further comprising the step of: pruning at least one feature from the project (Col. 21, lines 1-19 with the ability to edit previously stored navigational interface data, wherein editing can remove certain portions of the stored menu (navigational interface data)).

**Regarding claim 14**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above; furthermore, Shing teaches the claimed further comprising the step of: displaying the converted content in an emulated set-top box environment (Fig. 3-4, Client side).

**Regarding claim 15**, the proposed combination of Kelts, Arazi et al. and Shing teaches the claimed as discussed in claim 1 above, furthermore, Shing teaches the claimed further comprising the step of: validating the video quality of the project (as discussed in claim 1 above regarding a project).

**System claims 16 and 18** are rejected for the same reasons as discussed in method claim 1 above.

**System claim 17** is rejected for the same reasons as discussed in claim 2 above.

4. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shing (US 2005/0076304) in view of Kelts (US 7,139,983), and further in view of Arazi et al. (US 5,966,120) in claim 1 above, and further in view of Son et al. (US 2002/0047899).

**Regarding claims 7-8**, the proposed combination of Kelts, Arazi and Shing teaches the limitations of claim 1 as discussed above, however, fails to particularly teach the claimed further comprising the step of: editing said project in order to add at least one feature which is to be delivered via the network. Wherein the feature is at least one of navigational optimization, a tie in to an on-demand portal, key-mapping, button highlighting, intra-menu navigation, inter-menu navigation, DVD disc merge.

In an analogous art, Son et al. teaches in paragraph 34 of the ability to add the functionality of a "DVD scene selection" in a VOD/PPV environment, which reads on the claimed "intra and inter menu navigation".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to add DVD scene selection as taught by the system of Son et al. into the proposed system of Kelts and Arazi to allow for a user to navigate through the content in a more direct manner.

5. **Claims 9-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shing (US 2005/0076304) in view of Kelts (US 7,139,983), and further in view of Arazi et al. (US 5,966,120), and further in view of Son et al. (US 2002/0047899) as applied to claims 7-8 above, and further in view of Hudson et al. (US 2002/0078456).

**Regarding claims 9-13**, the proposed combination of Kelts, Shing, Arazi et al. and Son et al. teaches the limitations as discussed in claims 7-8 above, however, fails to particularly teach wherein the feature is displaying one or more brands or advertisements upon a pause, exiting of the DVD content, and to offer additional content, all of which are compatible with the network operator or content provider. Hudson et al. teaches in paragraphs 46-48 teaches wherein upon a pause of the VOD content, an advertisement is displayed. The pause of the video is equated to the claimed exiting, since the video is no longer being played. The advertising information allows for further exploration by the user as well. Furthermore, the limitations of claim 13 are met since advertisements are compatible with the network provider as the user is able to view/explore the advertisements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to show explorative advertisements during a pause or exiting as taught by the system of Hudson et al. into the proposed system of

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Kelts, Arazi et al. and Son et al. to make sure that advertisements related to the video programs are displayed to the users.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/  
Primary Examiner, Art Unit 2621